

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA
Plaintiff

V.

DANIEL DEFENSE DDM4 RIFLE,
SN: DDM4447323,

TOKAREV ARMS TBP SHOTGUN,
SN: 52H23YB019344,

RUGER EC9S PISTOL,
SN: 45699268,

898 ROUNDS ASSORTED
AMMUNITION,
Defendants

No. 9:24-cv-00242

VERIFIED COMPLAINT FOR FORFEITURE IN REM

In accordance with Fed. R. Civ. P. Supplemental Rule G(2), the United States of America, Plaintiff, brings this complaint and alleges as follows:

Nature of the Action

1. This is an action to forfeit property to the United States for a violation of 18 U.S.C. § 922(g)(1) (Possession of a firearm or ammunition by a convicted felon).

Defendant In Rem

2. The Defendant Property is a:

- a. Daniel Defense DDM4 Rifle, SN: DDM4447323,
- b. Tokarev Arms TBP Shotgun, SN: 52H23YB019344,
- c. Ruger EC9S Pistol, SN: 45699268, and
- d. 898 Rounds of Assorted Ammunition,

seized from William Charles Fincher at 1533 Terracewood St., Nacogdoches, Texas, on July 8, 2024 (hereinafter, “Defendant Property”). The Defendant Property is currently in the custody of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in Tyler, Texas.

Jurisdiction and Venue

3. The Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture pursuant to 28 U.S.C. § 1355(a).

4. The Court has *in rem* jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

6. The Defendant Property is subject to forfeiture pursuant to 18 U.S.C. § 924(d), because they are any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1).

Facts

7. The facts and circumstances supporting the forfeiture of the above-described property are summarized below and contained in the affidavit of Task Force Officer Nicholas Stewart, which is attached and incorporated herein:

- a. On July 8, 2024, law enforcement responded to a report of a family disturbance at 1533 Terracewood St., Nacogdoches, Texas.
- b. During the investigation, law enforcement discovered multiple firearms at the residence including the Defendant Property described above.
- c. Law enforcement learned that William Fincher was in possession, custody, and control of the Defendant Property.
- d. Law enforcement reviewed William's criminal history and discovered felony convictions for Robbery and Credit Card Abuse on March 21, 2014, both resulting in confinement in the Texas Department of Criminal Justice.

Potential Claimants

- 8. The known potential claimants to the Defendant Property are:
 - a. William Fincher – 1533 Terracewood St., Nacogdoches, Texas 75965; Nacogdoches County Jail, Inmate Booking #24-1600, 2306 Douglass Rd., Nacogdoches, Texas 75964, and
 - b. Sarah Fincher - 1533 Terracewood St., Nacogdoches, Texas 75965.

Claim for Relief

9. The United States respectfully requests that the Court forfeit the Defendant Property to the United States, award costs and disbursements in this action to the United States and order any other relief that the Court deems appropriate.

Respectfully submitted,

DAMIEN M. DIGGS
UNITED STATES ATTORNEY

/s/ Kevin McClendon
Kevin McClendon
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CERTIFICATION OF FILING OF MOTION TO SEAL

Pursuant to Local Rule CV-5(a)(7)(A), undersigned counsel certifies that on December 16, 2024, Plaintiff filed a Motion to Seal Affidavit Supporting the Complaint for Forfeiture In Rem. [Doc. #2]

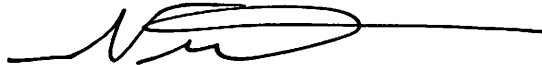
/s/ Kevin McClendon
KEVIN MCCLENDON
Assistant United States Attorney

VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I, Nicholas Stewart, hereby state that:

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
2. I have read this Complaint, and the information contained herein is true and correct to the best of my knowledge.
3. The information contained in this Complaint comes from the official files and records of the United States, statements from other law enforcement officers, and my investigation of this case.

I state and verify under penalty of perjury that the foregoing is true and correct.



Nicholas Stewart
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Dated: 12-16-2024